

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 513, A bill to be entitled "An Act providing relief for the Vienna Common School District No. 50 in Lavaca County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloudburst on July 1st, 1936, making an appropriation for said districts to replace and repair such damage, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 66 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

SEVENTY-FIFTH DAY.

(Thursday, May 13, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senator was absent and excused:

Weinert

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings yesterday was dispensed with, on motion of Senator Aikin.

Reports of Standing Committees.

Reports on House Bills Nos. 855, 1178, 1175, 538 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Leave of Absence Granted.

Senator Weinert was granted leave of absence for today, on account of important business, on motion of Senator Holbrook.

Senate Bill No. 402 with House Amendments.

Senator Davis called up Senate Bill No. 402 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Davis moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Davis, Rawlings, Aikin, Lemens and Head.

Senate Joint Resolution No. 17 on First Reading.

The following joint resolution was introduced, read first time and referred to the Committee on Constitutional Amendments:

By Senator Rawlings:

S. J. R. No. 17, Proposing an amendment to Article III, Section 5, of the Constitution of Texas, providing for the time and duration of meeting of the Legislature; providing for submission to the people at a general election; providing for the issuance by the Governor of proclamation for such election; and appropriating the funds necessary to pay for such election.

**Report of Conference Committee
on House Bill No. 352.**

Senator Hill submitted the following report of the conference committee on H. B. No. 352:

Committee Room,

Austin, Texas, May 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and House of Representatives on House Bill No. 352, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

HILL,
SULAK,
SHIVERS,
BECK,

On the part of the Senate.

TENNANT,
AMOS,
MORRIS,
CALLAN,

On the part of the House.

By Tennant, et al. H. B. No. 352.

**A BILL
To Be Entitled**

An Act to provide for the inspection of steam boilers; defining certain terms; requiring a Certificate of Operation and registration of certain boilers; exempting certain boilers from the provisions of the Act; providing for appointment of an Inspector of steam boilers and deputy inspectors; providing that commissions as inspectors may be issued to certain persons; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publication of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; providing for injunction proceedings after notice; providing for clerical assistants and supplies; fixing salaries, and creating a "State Boiler

Inspection Fund" and appropriating the monies deposited in said special fund to pay the expenses of the administration of said Act; and making an appropriation of Twenty Thousand (\$20,000.00) Dollars, or so much thereof as may be necessary, out of the general fund of the State of Texas for the purpose of paying expenses during the first year of the operation of said Act and providing for the refunding any amount expended out of said Twenty Thousand (\$20,000.00) Dollars appropriated to the general fund out of fees collected during the first year of the administration of said law; and appropriating any unexpended balance remaining in said fund at the end of the fiscal year 1937, and appropriating any unexpended balance, not exceeding Ten Thousand (\$10,000.00) Dollars at the end of the fiscal year 1938 and appropriating any unexpended balance remaining in said fund at the end of each succeeding fiscal year not to exceed Ten Thousand (\$10,000.00) Dollars for the purpose of enforcing the act and providing that balances in excess of said Ten Thousand (\$10,000.00) Dollars at the end of the fiscal year 1938 shall be transferred and credited from such special fund to the general fund of the State; providing a saving clause and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The following terms as used in this Act shall be construed as follows:

"Commissioner" as used herein shall mean the Commissioner of the Bureau of Labor Statistics of the State of Texas;

"Inspector" as used herein shall mean the inspector of steam boilers appointed under the provisions of this Act;

"Deputy" as used herein shall mean any deputy inspector of boilers appointed under the provisions of this Act;

"Boiler" as used herein shall mean any vessel used for generating steam for power or heating purposes;

"Owner or user" as used herein shall mean any person, firm or corporation owning or operating, or in

charge of or in control of any boiler as herein defined;

"Safety device" as used herein shall mean any appurtenance attached to any boiler for the purpose of diminishing the danger of accidents;

"Code of Rules" as used herein shall mean the Standard Code of rules promulgated and adopted by the Commissioner under the provisions of this Act.

Sec. 2. No steam boiler, unless otherwise specifically exempted in this Act, shall be operated within the State of Texas unless such boiler has been registered with the Bureau of Labor Statistics and there shall have been issued a Certificate of Operation for such boiler, as hereinafter provided for, and such Certificate of Operation shall remain in full force and effect until expiration unless cancelled for cause by the Commissioner; such Certificate of Operation shall be placed under glass in a conspicuous place on or near the boiler for which it is issued; and no prosecution shall be maintained where the issuance of or the renewal for such Certificate of Operation shall have been requested and shall remain unacted upon; provided, however, if the operation of such boiler without such Certificate of Operation shall constitute a serious menace to the life and safety of any person or persons in or about the premises, the Commissioner or the Inspector of Boilers or any Deputy Inspector, as hereafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of any Inspector or Deputy Inspector that its operation constitutes a menace to the life and safety of any person or persons in or about

the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

Sec. 3. The following boilers are exempt from the provisions of this Act:

(1) Boilers under Federal control and stationary boilers at round houses and pumping stations of Railway Companies under the supervision and inspection of the Superintendent of Motive Power of such Railway Companies.

(2) Boilers on which the pressure does not exceed fifteen pounds per square inch;

(3) Automobile boilers and boilers on road motor vehicles;

(4) Boilers used exclusively for agricultural purposes;

(5) Boilers for heating in buildings occupied solely for residence purposes with accommodations not to exceed four families.

(6) Boilers used for cotton gins.

Sec. 4. The Commissioner shall cause to be inspected internally and externally not less frequently than once each twelve months each stationary steam boiler subject to the provisions of this Act. Each portable steam boiler subject to the provisions of this Act shall be inspected externally each time it is moved to a new location, provided that an internal inspection shall be made of each such boiler at least once each twelve months. If such boilers referred to herein are found, upon inspection, to be in a safe condition for operation, a Certificate of Operation shall be issued by the Commissioner for its operation for a period not longer than one year from the date of such inspection. If any inspection authorized hereunder shall show the inspected boiler to be in an unsafe or dangerous condition, the Boiler Inspection or any Deputy may issue a preliminary order requiring such repairs and alterations to be made to such boiler as may be necessary to render it safe for use, and may also order the use of such boiler discontinued until such repairs and alterations are made or such dangerous and unsafe conditions are remedied. Unless such preliminary order be complied with by the owner or user, a hearing before the Commissioner shall be allowed, upon written request, at which the owner or user, making the request, shall have op-

portunity to appear and show cause why he should not comply with said preliminary order. If it shall thereafter appear to the Commissioner that such boiler is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make said boiler safe, the Commissioner may order or confirm the withholding of the Certificate of Operation for said boiler and may make such requirements as he deems proper for the repair or alteration of said boiler or the correction of such dangerous and unsafe conditions. The Inspector in his discretion, may issue a temporary Certificate of Operation for not to exceed thirty days, pending the making of replacements or repairs. Nothing in this Section shall be construed to limit the authority of the Commissioner as set forth in Section 6 of this Act. "Certificate of Operation" used in this section shall mean the "Certificate of Operation" referred to in Section 2 of this Act.

Sec. 5. Every insurance company insuring boilers in this State shall, within thirty (30) days after inspecting any steam boiler, file a duplicate report of such inspection with the Commissioner showing the date of such inspection together with the name of the person making such inspection, and such report shall show fully the condition and location of such boiler at the time such inspection was made. Such report shall also state when the policy of insurance was issued by the insurance company on said boiler and the date of expiration of such policy of insurance.

The owner or user of every boiler inspected by an inspector for an insurance company authorized to do business in this State on which such insurance company has issued a policy of insurance after inspection thereof, shall be exempt from other inspections and inspection fees under the provisions of this Act; provided nothing in this Section shall prevent the Commissioner from authorizing the inspection of any insured boiler at any reasonable time when, in the opinion of the Commissioner, such insured boiler may be in an unsafe condition, provided the Commissioner shall contact the insurance company carrying insurance on said boiler and

that the inspector for the insurance company carrying such insurance and the Inspector or Deputy Inspector shall jointly and together inspect the boiler, within twenty days, for which inspection no additional charge shall be made as set forth in Section 12 of this Act. The Commissioner is authorized and has authority to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act, and the owner or user of an insured boiler shall pay the sum of fifty (50) cents for each Certificate of Operation issued, and the owner or user of a State inspected boiler shall pay a like sum of fifty (50) cents for each Certificate of Operation issued, which said fee shall be and is absorbed by the internal and external inspection fee authorized in Section 12 of this Act. Every insurance company shall notify the Commissioner in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, within twenty (20) days after the expiration or cancellation of said policy, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation or expiration has or will become effective.

Sec. 6. The Commissioner is hereby authorized and empowered to promulgate and enforce a code of rules and regulations in keeping with standard usage, for the construction, installation, use, maintenance and operation of steam boilers and appurtenances thereof; including the boiler room; and to require such devices and safeguards and other reasonable means and methods to insure safe operation of steam boilers, including the registration thereof with the Bureau of Labor Statistics.

The Commissioner may exchange information and experience data with the department or other administrative authorities of States having boiler inspection divisions or departments in assembling data for the promulgation of rules and regulations authorized under the provisions of this Act.

Before any rule, regulation or order is promulgated, adopted, en-

forced, amended, modified or repealed by the Commissioner a public hearing shall be held by him, and not less than ten days before such hearing notice thereof shall be published in at least three newspapers published and having general circulation in the State of Texas, such newspapers to be selected by the Commissioner. After the adoption of rules, regulations and orders by the Commissioner, a complete copy of same shall be published in at least three newspapers, as in the notice of the hearing prior to their adoption, on two different days not more than ten days apart, and within thirty days after the adoption of such rules, regulations and orders; provided that in lieu of publishing in newspapers the rules, regulations and orders by the Commissioner, as stated above, the Commissioner may publish and circulate said rules, regulations and orders or the repeal, modification or amendment of any such rule, regulation or order in such form or manner as he may determine; and such rules, regulations and orders shall become effective within ten (10) days after date of notice of adoption thereof or final publication, or at such later time as the Commissioner may, in the rules, regulations and orders, determine. The Commissioner is hereby authorized and empowered, in case of extreme emergency, to promulgate and enforce temporary rules, regulations and orders as he may deem necessary, without publishing the same as hereinabove directed; provided, however, that when such temporary rules, regulations or orders are adopted the same shall not be effective for a period of more than twenty days and no criminal prosecution, as herein-after provided, shall be had until the provisions of Section 16 of this Act have been complied with.

Sec. 7. When any interested person shall deem himself aggrieved by any fundamental rule, regulation or order promulgated by the Commissioner, he shall notify the Commissioner of such grievance by formal notice in writing, whereupon the Commissioner shall give consideration of such grievance and may modify, change, alter or amend same upon his own motion; upon failure or refusal of the Commissioner, within ten

days, to change, alter or modify such fundamental rule, regulation or order, the Commissioner, shall, upon written application for hearing, cause the same to be held within five days thereafter, at which the person complaining shall have opportunity to show cause, if any, why such fundamental rule, regulation or order complained of should be set aside, altered, amended or repealed.

Sec. 8. Within thirty (30) days after the passage of this Act the Commissioner shall appoint a suitable person to be Inspector of Steam Boilers for the State of Texas. Said Inspector of Steam Boilers shall be a resident citizen of Texas for at least five years next preceding to the time of his appointment and shall have had, at the time of such appointment, not less than five years practical experience with Steam Boilers as a steam engineer, boiler-maker or boiler inspector and by examination enable him to judge the safety of boilers for use, and who is neither directly nor indirectly interested in the manufacture, ownership or agency of steam boilers or their appurtenances. It shall be the duty of the Commissioner to appoint one or more Deputy Inspectors as needed with like qualifications of the Inspector of Steam Boilers, and such clerical assistants as may be necessary to carry out the provisions of this Act.

Sec. 9. The salary of the Inspector of Steam Boilers shall not exceed \$3,000.00 per annum and the salary of each Deputy Inspector shall not exceed \$2,400.00 per annum, and in addition thereto all Inspectors shall be allowed their actual expenses incurred in the performance of their official duties, and for such equipment as may be deemed necessary by the Commissioner. All expenses incident to carrying out the provisions of this Act shall be paid out of the funds in the State Treasury to the credit of the "State Boiler Inspection Fund" on vouchers or warrants issued and signed by the Commissioner and the Comptroller of Public Accounts. The Commissioner may incur such expense for clerical assistants and office supplies as may be necessary, not exceeding Seven Thousand Five Hundred (\$7,500.00) dollars annually, said sums to be

paid by the State Treasurer on warrants drawn by the Comptroller of Public Accounts.

Sec. 10. The Commissioner may cause the inspection provided for in this Act to be made either by the Inspector of Boilers or any Deputy Inspector, or by any qualified boiler inspector employed by any county, or city and county, or city, or any insurance company, provided that such persons making inspections (other than the Inspector of Boilers or Deputy Inspectors regularly employed by the Commissioner) shall first obtain from the Commissioner a Commission as Inspector showing his qualifications to make such inspections. The Commissioner is vested with full power and authority to determine the qualifications of any applicant or other person seeking a Commission as Inspector, by examination. At the discretion of the Commissioner he may accept, after proper investigation by him, the Commission issued to an inspector by any other state having an examination equal to that of the State of Texas. The Commissioner may rescind at any time, upon good cause being shown therefor, any Commission as Inspector issued by him to any person, and he may at any time, upon good cause being shown therefor and after notice and opportunity for hearing thereon, revoke any Certificate of Operation issued for any steam boiler within this State.

Sec. 11. Every Inspector receiving a Commission as Inspector shall forward to the Commissioner on forms furnished the Inspector by the Commissioner, within thirty (30) days after an inspection is made, a report of such inspection, in default of which the Commission as Inspector may be cancelled by the Commissioner.

Sec. 12. The Commissioner shall fix and collect fees for the inspection of steam boilers covered by this Act, not exceeding Two (\$2.50) and fifty-100 Dollars for each external inspection and not to exceed Seven (\$7.50) and fifty-100 dollars for each internal inspection in each twelve (12) months period. Such fees must be paid by the owner or user before the issuance of a Certificate of Operation for the boiler inspected. No fee shall be charged the owner or user

by the Commissioner when the inspection herein provided for has been made by an inspector holding a Commission as Inspector from said Commissioner if the holder of such Commission as Inspector is employed by any county, or city and county, or city, or insurance company, except the charge fixed for Certificate of Operation in Section 5 hereof. All fees collected by the Commissioner under this Act shall be paid into the State Treasury to the credit of the "State Boiler Inspection Fund" together with a detailed report of same, and said monies so deposited in said special fund are hereby appropriated for the purpose of paying the expenses of the administration of this Act.

Sec. 13. Any person, firm, corporation, or agent thereof, owning or having the custody, management, use or operation of any steam boiler in this State, who shall violate any provision of this Act, or who violates any rule, regulation or order promulgated by authority hereof by the Commissioner or any regularly employed Inspector authorized to enforce any provision or any rule, regulation or order authorized herein, or any person, firm, corporation or agent thereof coming within any provision of this Act, or any rule, regulation or order authorized herein, who shall fail or refuse to comply therewith, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail not to exceed sixty (60) days, or both such fine and imprisonment.

Sec. 14. Any owner, manager, superintendent or other person in charge or in control of any factory, mill, workshop, mine, store, business house, public or private work, or the lessee or operator of same, or the owner or lessee of any mineral estate in land, or any other place where a steam boiler subject to inspection hereunder is located, who shall refuse to allow any official or employee of the Bureau of Labor Statistics to enter the same and remain thereon or therein for such time as is reasonably necessary, or who shall hinder any such official or employee

in any way, or who shall in any way prevent or deter him from carrying out the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed one hundred (\$100.00) dollars or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Sec. 15. Whenever there shall have been adopted, after notice and hearing as provided for under this Act, any rule, regulation or order, no criminal action shall be maintained against any person involving the violation of any provision of such rule, regulation or order, until the Commissioner shall have given notice of such rule, regulation or order by publishing a complete copy of same in three (3) newspapers published and having general circulation in the State of Texas, such newspapers to be selected by the Commissioner, once each day for two (2) consecutive days; on and after the fifteenth (15th) calendar day following the date of the last publication such rule, regulation, and order shall be effective and enforceable in any criminal action brought pursuant to this Act. No criminal action shall be maintained against any person involving the violation of any provision or any amendment or modification of any rule, regulation or order of the Commissioner until and unless the said Commissioner shall have promulgated such amendment or modification after its adoption by publishing a complete copy of such amended rule, regulation or order in three (3) newspapers published and having general circulation in the State of Texas once each day for two (2) consecutive days; on and after the fifteenth (15th) calendar day following the date of the last publication, such amendment or modification of such rule, regulation or order shall become effective and enforceable in any criminal action brought pursuant to this Act; provided that in lieu of the publishing in newspapers of rules, regulations, orders, amendments and modifications, as stated above, the Commissioner may publish and circulate said rules, regulations, orders, amendments or modifications in such form or manner as he may determine.

Sec. 16. An affidavit under the seal of the Commissioner executed by the said Commissioner or the Inspector of Boilers or any Deputy Inspector, setting forth the terms of any order of the Commissioner and that it has been adopted, promulgated and published, and was in effect at any date during any period specified in such affidavit, shall be prima facie evidence of all such facts, and such affidavit shall be admitted in evidence in any action, civil or criminal, involving such order and the publication thereof without further proof of such promulgation, adoption or publication and without further proof of its contents.

Sec. 17. The funds collected under the provisions of this Act shall be paid into the State Treasury and kept in a special fund to be known as the "State Boiler Inspection Fund" and shall be paid out for salaries, traveling expenses and other necessary expenses specified in this Act and upon proper account duly approved by the Commissioner.

Sec. 18. There is hereby appropriated out of the General Revenue Fund of the State of Texas the sum of Twenty Thousand (\$20,000.00) dollars, or so much thereof as may be necessary not otherwise appropriated, for the purpose of carrying out the provisions of this Act; said amount that may be expended out of this appropriation shall be replaced and refunded to the General Revenue Fund by the Commissioner from fees collected under the terms of this Act during the first year of the operation of this Act. However, any monies remaining in said fund at the end of the fiscal year ending August 31, 1937, are re-appropriated to the use of the Commissioner for the purpose of carrying out the provisions of this Act. Any unexpended balance or funds remaining in the "State Boiler Inspection Fund" at the end of the fiscal year ending August 31, 1938 not exceeding Ten Thousand (\$10,000.00) Dollars is hereby appropriated for the use of the Commissioner to carry out the purposes of this Act, and for each succeeding fiscal year any unexpended balance remaining in the "State Boiler Inspection Fund" not exceeding Ten Thousand (\$10,000.00) Dollars shall be carried forward for the purpose of the enforcement of this Act, pro-

vided, however any amount remaining in said fund in excess of Ten Thousand (\$10,000.00) Dollars at the end of any fiscal year after 1938 shall revert to the General Revenue Fund of the State of Texas.

Sec. 19. Should any section, subsection, sentence, clause, phrase, provision or exemption of this Act be declared unconstitutional or invalid for any reason such inability shall shall not affect the remaining portions or provisions hereof.

Sec. 20. The fact that we do not have a law in Texas providing for the inspection of steam boilers, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Hill moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Hill	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Stone

Absent.

Brownlee Head

Absent—Excused.

Weinert

Message From the Governor.

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following message from the Governor:

Austin, Texas, May 13, 1937.
To the Senate of the Forty-fifth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Chief Justice of the Court of Civil Appeals for the Seventh District at Amarillo: Judge M. J. R. Jackson of Amarillo, Potter County, to succeed Judge R. W. Ball, deceased.

To be Associate Justice of the Court of Civil Appeals for the Seventh District at Amarillo: A. J. Folley of Floydada of Floyd County, to succeed Judge M. J. R. Jackson, resigned.

To be District Judge of the 110th Judicial District: Alton B. Chapman of Spur, Dickens County, to succeed A. J. Folley, resigned.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

The message was read and was referred by the President to the Committee on Nominations of the Governor.

Free Conference Committee on House Joint Resolution No. 26.

Senator Van Zandt moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. J. R. No. 26 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Free Conference Committee on the resolution on the part of the Senate:

Senators Van Zandt, Shivers, Holbrook, Roberts and Rawlings.

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1174, A bill to be entitled "An Act making it lawful to catch fish with hooks, traps, seines, and

nets in the waters of Red River in Fannin, Cooke, Grayson, Lamar, Red River and Bowie Counties, and declaring an emergency."

H. B. No. 1175, A bill to be entitled "An Act (Granting easement to the United States in certain lands), and declaring an emergency."

H. B. No. 1176, A bill to be entitled "An Act amending Section 27 of Article 199, Revised Civil Statutes of Texas, 1925, as amended by Chapter 305, Acts of the Forty-second Legislature, Regular Session, by omitting the January Term of Court in Mills County, Texas, and declaring an emergency."

H. B. No. 1177, A bill to be entitled "An Act to amend Article 879g of the Penal Code of Texas by excluding Polk County, Texas, from the terms thereof, with respect to closed season on hunting, killing or taking wild bear, and declaring an emergency."

H. B. No. 1178, A bill to be entitled "An Act to provide for the creation of corporations for the purpose of dealing in, buying and selling, preparing for market and preserving and canning, fruits, fruit juices and vegetables produced in the United States and enumerating the power and authority of such corporations; providing for the creation of corporations for the purpose of owning and operating aeroplanes and all other flying machines to be used in spraying orchards and crops with insecticides; providing for other rights and powers of such corporations, including the right to buy and sell insecticides and the right to acquire and maintain necessary starting and lighting grounds and fields and workshops; providing that this Act shall be cumulative of other Acts creating purposes for which corporations may be formed, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 424, A bill to be entitled "An Act regulating Industrial Homework; defining certain terms; prohibiting certain forms of industrial

homework; empowering the Board of Health to enforce the provisions of this Act; prescribing the procedure to be used by the Board of Health; requiring an employers permit for industrial homework and providing a license fee therefor; requiring a certificate for any person who shall engage in industrial homework; requiring all materials or articles manufactured by industrial homework to be labeled with the employers' name and address; providing that articles unlawfully manufactured by homework may be seized by the Board of Health; requiring an employer to keep records of industrial homework; making it the duty of the Board of Health to enforce the provisions of this Act; authorizing the Board of Health or its authorized representatives to administer oaths and take affidavits; providing a penalty, and declaring an emergency."

H. B. No. 667, A bill to be entitled "An Act amending Article 7117, R. C. S. of the State of Texas, 1925, as amended Acts, 1929, Forty-first Legislature, First Called Session, Chapter 50, page 109, Section 1, defining transfers in contemplation of death and providing for a tax on same; amending Article 7118 R. C. S. of the State of Texas, 1925, as amended Acts, 1935, Forty-fourth Legislature, Chapter 356, page 922, Paragraph 1; . . . etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 1025, A bill to be entitled "An Act providing relief of the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said School District in repairing, rehabilitating and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said District for said property, and declaring an emergency."

H. B. No. 1152, A bill to be entitled "An Act declaring it unlawful to use seines or nets except those of a certain dimension for taking certain fish from the waters of Coryell County, Texas, excepting minnow seines from the provisions of this Act; providing size limits for fish taken in said County; prohibiting the sale of minnows and declaring it unlawful to transport more than one hundred and twenty-five (125) minnows at any one time beyond the borders of said County; prescribing a penalty for the

violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1158, A bill to be entitled "An Act authorizing the Commissioners' Court in certain counties to allow each county commissioner to purchase and maintain a pick-up truck for use in each Commissioners' Precinct in connection with official business; providing the funds from which the cost of same shall be paid, and declaring an emergency."

(With engrossed riders.)

H. B. No. 1159, A bill to be entitled "An Act prohibiting the use of seines or nets in Clay County during March and April; permitting the use of certain seines or nets at any time; repealing all laws in conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 1162, A bill to be entitled "An Act to authorize the Commissioners' Court of Montgomery County to pay bounties under certain conditions for the destruction of wolves, coyotes, wildcats, and other predatory animals and fowls in said County; to make rules and regulations with respect thereto; regulating the issuance of warrants in payment thereof, and declaring an emergency."

H. B. No. 1163, A bill to be entitled "An Act validating the transfer of territory proceedings detaching territory from the Center Plains Common School District No. 4, and the Science Hill Common School District No. 8, both of Hale County, Texas, and attaching same to the Cotton Center Independent School District of Hale County, Texas, including petitions, hearings, orders, notices, elections orders declaring results of elections assumption of indebtedness, and ratifying changes made by the County Board of School Trustees of Hale County, Texas, in the Cotton Center Independent School District of Hale County, Texas; redefining boundaries of said Cotton Center Independent School District of Hale County, Texas; providing that the trustees of said Cotton Center Independent School District shall proceed to levy and collect sufficient taxes for maintenance purposes and to provide a sinking fund for paying the interest on the outstanding indebtedness of the new Cotton Center Independent School District of Hale County, Texas."

H. B. No. 1167, A bill to be entitled "An Act amending Article 2350 Revised Civil Statutes of Texas, 1925, as amended by Chapter 135, Acts of Thirty-ninth Legislature, Regular Session, as amended by Chapter 290, Regular Session, as amended by Chapter 46, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 216, Acts of Forty-third Legislature, Regular Session, as amended by Chapter 83, Acts of Forty-first Legislature, First Called Session, as amended by Chapter 363, Acts of Forty-fourth Legislature, Regular Session, and declaring an emergency."

H. B. No. 1164, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligation heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, navigation districts, road districts, school districts, counties, cities, or incorporated towns of this State for public works projects, ratifying and validating the establishment and creation of such districts cities and towns, and declaring an emergency."

(With engrossed riders.)

S. B. No. 142, A bill to be entitled "An Act amending Section 36 of H. B. No. 521 of the Regular Session of the Forty-fourth Legislature so as to appropriate all fees collected thereunder for the use of the Secretary of State in enforcing said bill, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that

The House has concurred in Senate
amendments to H. B. No. 995
by a viva voce vote.

The House has concurred in Senate
amendments to H. B. No. 1081
by a viva voce vote.

The House has concurred in Senate
amendments to H. B. No. 1002
by a vote of 126 yeas, 0 nays.

The House has concurred in Senate
amendments to H. B. No. 105
by a vote of 126 yeas, 0 nays.

The House has passed the following resolution:

S. C. R. No. 65, relative to Legislative enactment of the Motor Carrier Act of Texas.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 405. The following conferees are appointed on the part of the House:

Messrs Tennyson, Lanning, Worley, Bradford and Gibson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 491 With House Amendments.

Senator Westerfeld called up S. B. No. 491 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Westerfeld moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Westerfeld, Hill, Spears, Sulak and Brownlee.

Senate Bill No. 489 With House Amendments.

Senator Head called up S. B. No. 489 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Head moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Head
Beck	Hill
Brownlee	Holbrook
Burns	Isbell
Collie	Lemens
Cotten	Moore
Davis	Neal

Nelson	Small
Newton	Spears
Oneal	Stone
Pace	Sulak
Rawlings	Van Zandt
Redditt	Westerfeld
Roberts	Winfield
Shivers	Woodruff

Absent—Excused.

Weinert

Senate Resolution No. 91.

Senator Woodruff offered the following resolution:

Be it resolved that Mrs. R. J. Turrentine of Denton County, President of Texas Federation of Women's Clubs, who is also a distinguished leader in the educational affairs of the State, and is visiting in the Capitol, be invited to address the Senate, and be extended the privileges of the floor.

The resolution was read, and by unanimous consent, it was adopted at this time.

Accordingly, the President appointed Senators Woodruff, Collie and Pace to escort Mrs. R. J. Turrentine to the President's stand.

Senator Woodruff presented Mrs. Turrentine, who addressed the Senate briefly.

Presentation of Gavel.

Senator Head, at this time, by unanimous consent, presented to President Woodul, for the students of the John Tarleton Agricultural College who made it, a walnut gavel.

Bills and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 509, "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency."

S. B. No. 486, "An Act amending S. B. No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing

and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of courts in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present laws so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 352, "An Act making an appropriation from the Treasury of the State of Texas from any funds not otherwise appropriated, to the Upper Colorado River Authority; providing for the method of drawing warrants; providing for the payment thereof; and declaring an emergency."

S. B. No. 322, "An Act granting to Tom J. Taylor of Burnet County, Texas, the right, or permission, to bring suit against the State of Texas and/or the State Highway Department, in any court of competent jurisdiction in Travis County, Texas, and declaring an emergency."

S. B. No. 480, "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, H. B. No. 11, Act of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said article; to provide that suit may be filed in a court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said court; to provide that original petitions may be amended to include additional taxes paid under protest; providing that the provision of this Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

S. B. No. 497, "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature, by adding a new Section to be known as Section 14-a, to provide that nothing in Section 14 or elsewhere in said Act shall

prohibit the district from acquiring property from or selling property to the City of Austin upon such terms and conditions, and entering into such contractual relations thereto, as the district and the city may mutually agree upon; and declaring an emergency."

S. B. No. 467, "An Act to amend Article 2792, Revised Civil Statutes of Texas, so as to provide that where the trustees of an independent school district have the county assessor and collector of taxes assess and collect the taxes for said district, the property of such district may be assessed at a greater value than the property is assessed for county and state purposes; provided, that such property may not be assessed at a greater valuation than its fair market value, or if it has no market value, than its intrinsic value, and declaring an emergency."

S. B. No. 505, "An Act amending Article 2797, Revised Civil Statutes of Texas, relating to construction of teachers' homes; and declaring an emergency."

S. B. No. 500, "An Act creating a special road law for Kent County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$41,500.00 outstanding against its road and bridge fund as of March 15, 1937, by the issuance of funding bonds and setting forth the method of issuing same; validating all Acts of the commissioners' court and of the county officials of said county in authorizing the levying of taxes to pay principal and interest thereon and in issuing and delivering said warrants; provided that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; validating all Acts and proceedings heretofore passed by the commissioners' court in authorizing the refunding of said time warrants into bonds, and declaring an emergency."

S. B. No. 483, "An Act amending subdivision 22 of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding Court in the 22nd Judicial District of Texas, validating and continuing

all process, and writs, bonds and recognizances and making them returnable to the terms of Court in the several counties in said district as herein fixed, to validate the summoning of Grand and Petit Jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect, and declaring an emergency."

S. B. No. 477, "An Act defining the term 'taxing unit,' and providing that in any suit brought by or in behalf of any taxing unit for delinquent taxes other than taxing units having delinquent tax claims against the property may be impleaded or may intervene; and providing for the nature, character and contents of citation upon defendants, and service thereof; and providing for the adjudication of the reasonable fair value of the property; and providing for court costs, expenses of sale and expenses in producing necessary data and information for filing suits, etc., and declaring an emergency."

S. B. No. 496, "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931, as amended by Chapter 24, Acts of the First Called Session of the Forty-third Legislature, repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 305, "An Act appropriating the fund provided for the use and benefit of the Comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of H. B. No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and benefit of the Comptroller in administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

S. B. No. 465, "An Act amending subdivision 3 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended, Acts 1929, Forty-

first Legislature, First Called Session, and providing for changing and prescribing terms and times of holding the courts in the Third Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for this Act to take effect."

S. B. No. 494, "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than twenty-five thousand three hundred forty-four and not more than twenty-five thousand four hundred forty-four people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

S. B. No. 393, "An Act making an emergency appropriation to the State Health Department out of the general fund in the State Treasury, and declaring an emergency."

S. B. No. 466, "An Act to authorize the exclusion of certain territory from any fresh water supply district before the issuance of bonds and levy of taxes for said district, such territory shall be to the extent of at least ten (10) acres, and contiguous and adjoining the lines of such district; prescribing the method of procedure whereby such territory may be excluded; providing that an election may be held to approve the exclusion of such territory, in event petition therefor is presented by ten (10), or a majority, of the qualified voters, who own land in the district; providing that exclusion of such ter-

ritory will result in cancellation of any unsold bonds of the district; providing that territory not embraced in a fresh water supply district may be annexed to such a district and prescribing the method of procedure, therefor; providing that the added territory shall bear its pro rata part of all indebtedness or taxes of the district to which it is annexed, pursuant to an election held throughout the enlarged district for that purpose; prescribing the method of holding elections authorized by this Act; providing that if any part of this Act be held unconstitutional, such decision shall not affect the validity of the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

S. C. R. No. 66, Authorizing Senate to consider S. B. No. 185, the rural aid bill, on House bill days.

House Bills on First Reading.

The following bills received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 1178, to Committee on Civil Jurisprudence.

H. B. No. 1177, to Committee on Game and Fish.

H. B. No. 1176, to Committee on Judicial Districts.

H. B. No. 1175, to Committee on Public Lands and Land Offices.

H. B. No. 1174, to Committee on Game and Fish.

H. B. No. 1164, to Committee on Civil Jurisprudence.

H. B. No. 1167, to Committee on Counties and County Boundaries.

H. B. No. 1163, to Committee on Educational Affairs.

H. B. No. 1162, to Committee on Stock and Stock Raising.

H. B. No. 1159, to Committee on Game and Fish.

H. B. No. 1158, to Committee on State Highways and Motor Traffic.

H. B. No. 1152, to Committee on Game and Fish.

H. B. No. 1025, to Committee on Finance.

H. B. No. 667, to Committee on State Affairs.

H. B. No. 424, to Committee on Public Health.

Senate Bill No. 270 With House Amendments.

Senator Shivers called up S. B. No. 270 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Shivers moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Aikin

Absent—Excused.

Weinert

Senate Bill No. 438 With House Amendments.

Senator Oneal called up S. B. No. 438 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Oneal moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Shivers
Neal	Small
Nelson	Spears
Newton	Stone
Oneal	Sulak
Pace	Van Zandt
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff

Absent—Excused.

Weinert

Senate Bill No. 208 With House Amendments.

Senator Oneal called up S. B. No. 208 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Oneal moved that the Senate concur in House amendments to the bill.

The motion prevailed.

Committee Substitute for House Bill No. 16 on Passage to Third Reading.

The President laid before the Senate, as unfinished special order, of its passage to third reading (the bill having been read second time on yesterday):

C. S. for H. B. No. 16. A bill to be entitled "An Act to add new Sections to be known as Sections 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19-A, 19-B, 19-C, 19-D, and 19-E, and to amend Sections 7, 15, and 17 of S. B. No. 15, Chapter 66, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature, of the State of Texas, etc., and declaring an emergency."

With amendment by Senator Davis and with motion by Senator Burns to table the bill subject to call pending.

Question first recurring on the motion to table subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8.

Aikin	Hill
Beck	Holbrook
Burns	Isbell
Head	Westerfeld

Nays—19.

Collie	Rawlings
Cotten	Roberts
Davis	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Winfield
Oneal	Woodruff
Pace	

Absent.

Brownlee	Shivers
Redditt	

Absent—Excused.

Weinert

Senator Burns raised a point of order on further consideration of the bill on the ground that it purports to amend a law merely by reference to its title, in violation of Article 3, Section 36, of the State Constitution.

The President overruled the point of order.

Question then recurring on the amendment of Senator Davis, it was adopted.

Senator Davis offered the following amendment to the bill:

Amend C. S. for H. B. No. 16 by striking out all words after the word "of" in line 16, page 6, Sec. 16-B, and insert in lieu thereof the following words "the period for which said license was cancelled."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 16, page 2, by striking out all after the word "highways" in line 51, and striking out all of lines 52, 53, and line 54, including the word "licenses" and insert the following:

"No fee shall be charged for examination of any applicant for any drivers license."

Yeas and nays were demanded and the amendment was adopted by the following vote:

Yeas—16.

Aikin	Head
Beck	Hill
Brownlee	Holbrook
Burns	Isbell

Lemens
Newton
Roberts
Shivers

Spears
Sulak
Westerfeld
Woodruff

Nays—11.

Collie
Cotten
Davis
Moore
Neal
Nelson

Oneal
Pace
Small
Van Zandt
Winfield

Absent.

Rawlings
Redditt

Stone

Absent—Excused.

Weinert

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 16, Page 5, Sub-section c by striking out all of said sub-section.

Yeas and nays were demanded and the amendment was lost by the following vote:

Yeas—10.

Aikin
Beck
Burns
Head
Hill

Holbrook
Shivers
Spears
Sulak
Westerfeld

Nays—18.

Brownlee
Collie
Cotten
Davis
Isbell
Moore
Neal
Nelson
Newton

Oneal
Pace
Rawlings
Redditt
Roberts
Stone
Van Zandt
Winfield
Woodruff

Absent.

Small

Weinert

Absent—Excused.

Lemens

C. S. for H. B. No. 16 then was passed to third reading.

Committee Substitute for House Bill No. 16 on Third Reading.

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be sus-

pended and that C. S. for H. B. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin
Beck
Brownlee
Collie
Cotten
Davis
Head
Hill
Holbrook
Isbell
Moore
Neal
Nelson
Newton

Oneal
Pace
Rawlings
Redditt
Roberts
Shivers
Small
Spears
Stone
Sulak
Van Zandt
Westerfeld
Winfield
Woodruff

Nays—1.

Burns

Absent—Excused.

Lemens

Weinert

The President laid C. S. for H. B. No. 16 before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Davis and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill as amended.

Senator Collie offered the following amendment to the bill:

Amend H. B. No. 16 by striking out the words and figures "eighteen (18)" and inserting in lieu thereof "sixteen (16)" in line 60, page 6.

The amendment was adopted by the following vote:

Yeas—30.

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Davis
Head
Hill
Holbrook
Isbell
Lemens

Moore
Neal
Nelson
Newton
Oneal
Pace
Rawlings
Redditt
Roberts
Shivers
Small
Spears

Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff

Absent—Excused.

Weinert

C. S. for H. B. No. 16 then was passed by the following vote:

Yeas—26.

Aikin	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Holbrook	Spears
Isbell	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff

Nays—3.

Beck	Hill
Burns	

Absent—Excused.

Lemens	Weinert
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Leave of Absence Granted.

By unanimous consent, leave of absence for the remainder of today was granted Senator Lemens on account of important business.

Relating to Consideration of House Bill No. 420.

Senator Hill asked unanimous consent to move at this time that the regular order of business be suspended to take up H. B. No. 420 on its second reading and passage to third reading.

The President announced there was objection to the motion being made at this time.

Committee Substitute for Senate Bill No. 185 on Engrossment.

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to take up and have placed on its passage to engrossment (the bill heretofore having been read second time).

C. S. for S. B. No. 185, A bill to be entitled "An Act appropriating Five

Million Dollars (\$5,000,000.00) per year, or so much thereof as may be necessary for the next biennium beginning September 1st, 1937, and ending August 31st, 1939, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for certain length of term of all schools meeting the requirements of this Act; authorizing the use of an amount not to exceed a certain sum for the payment of each year of the biennium for high school tuition for rural school pupils according to the provisions of H. B. No. 158, General Laws, Regular Session, Forty-fourth Legislature; etc., and declaring an emergency."

The President laid the bill before the Senate on its passage to engrossment.

Senator Aikin offered the following amendment to the bill as amended:

Amend Cotten substitute for S. B. 185 by striking out \$5,000,000.00 and insert in lieu thereof the figures "\$6,080,000.00."

AIKIN,
COTTEN.

Senator Moore moved to table this amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Beck	Shivers
Burns	Small
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Rawlings	Westerfeld
Redditt	Winfield
Roberts	

Nays—12.

Aikin	Hill
Brownlee	Holbrook
Collie	Isbell
Cotten	Newton
Davis	Spears
Head	Woodruff

Absent—Excused.

Lemens

Oneal

Paired.

Senator Pace (present), who would vote "nay" with Senator Weinert (absent), who would vote "yea."

Senator Redditt moved the previous question on the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—15.

Beck	Redditt
Burns	Shivers
Hill	Small
Holbrook	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Pace	

Nays—13.

Aikin	Moore
Brownlee	Rawlings
Collie	Roberts
Cotten	Spears
Davis	Stone
Head	Sulak
Isbell	

Absent—Excused.

Lemens
Oneal

Weinert

C. S. for S. B. No. 185 then was passed to engrossment.

Committee Substitute for Senate Bill No. 185 on Third Reading.

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended, and that C. S. for S. B. No. 185 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Newton

Pace
Rawlings
Redditt
Roberts
Shivers
Small
Spears

Stone
Sulak
Van Zandt
Westerfeld
Winfield
Woodruff

Absent.

Head

Absent—Excused.

Lemens
Oneal

Weinert

The President laid C. S. for S. B. No. 185 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Shivers offered the following amendment to the bill:

Amend C. S. for S. B. No. 185, page 5, line 6, by adding thereto the following:

"Providing the provisions of this section shall not apply to any school district containing 48 square miles of territory or more."

Question—Shall the amendment be adopted?

Recess.

On motion of Senator Redditt, the Senate, at 12:10 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session.

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Committee Substitute for Senate Bill No. 185 on Final Passage.

The Senate resumed consideration of pending business; same being C. S. for S. B. No. 185, on its final passage, with amendment by Senator Shivers pending.

Senate Bill No. 142 With House Amendments.

Senator Redditt called up Senate Bill No. 142 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Redditt moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—21.

Beck	Nelson
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Woodruff
Neal	

Nays—1.

Aikin

Absent.

Moore	Small
Newton	Westerfeld
Shivers	Winfield

Absent—Excused.

Lemens	Weinert
Oneal	

Senate Bill No. 471 With House Amendments.

Senator Spears called up S. B. No. 471 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

On motion of Senator Spears, the Senate concurred in the House amendments.

House Bill No. 420 Set as Special Order.

Senator Hill by unanimous consent, moved that H. B. No. 420 be set as a special order for today, immediately after the other special orders already set for today have been disposed of.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Westerfeld
Pace	Winfield
Rawlings	Woodruff

Absent—Excused.

Lemens	Weinert
Oneal	

Motion to Reconsider.

Senator Cotten moved to reconsider the vote by which H. B. No. 280 was passed on yesterday and asked to have the motion spread upon the Journal.

Motion to Set House Bill No. 53 as Special Order.

Senator Woodruff moved that H. B. 53 be set as a special order for today, immediately after the special orders already set for today have been disposed of.

Senator Moore raised the point of order: that the motion may not be made at this time, the pending business being C. S. for S. B. No. 185 on its final passage.

The President sustained the point of order.

Committee Substitute for Senate Bill No. 185 on Final Passage.

The Senate resumed consideration of C. S. for S. B. No. 185 on its final passage, with amendment by Senator Shivers pending.

The amendment was adopted by the following vote:

Yeas—23.

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Burns	Small
Davis	Spears
Head	Stone
Hill	Sulak
Moore	Van Zandt
Nelson	Westerfeld
Newton	Winfield
Pace	Woodruff
Rawlings	

Nays—4.

Collie Holbrook
Cotten Isbell

Absent.

Neal

Absent—Excused.

Lemens Weinert
Oneal

Senator Burns offered the following amendment to the bill:

Amend Cotten's substitute, page 8, Section 11, line 23, by adding the following, to-wit:

"Provided, under the provisions of this Act said Board of Education, or State Superintendent, shall not set said teacher's or teachers' salary less than One Hundred (\$100.00) per month."

BURNS,
SHIVERS,
REDDITT,
PACE.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—23.

Aikin Newton
Beck Pace
Brownlee Rawlings
Burns Redditt
Collie Roberts
Cotten Shivers
Head Spears
Hill Stone
Isbell Sulak
Moore Van Zandt
Neal Westerfeld
Nelson

Nays—4.

Davis Small
Holbrook Winfield

Absent.

Woodruff

Absent—Excused.

Lemens Weinert
Oneal

Senator Burns offered the following amendment to the bill:

Amend Cotten substitute for S. B. No. 185 by striking out the words and figures "\$5,000.000" and substi-

tute in lieu thereof the sum of "\$7,500,000 each year."

The amendment was lost by the following vote:

Yeas—5.

Aikin Cotten
Brownlee Newton
Burns

Nays—22.

Beck Rawlings
Collie Redditt
Davis Shivers
Head Small
Hill Spears
Holbrook Stone
Isbell Sulak
Moore Van Zandt
Neal Westerfeld
Nelson Winfield
Pace Woodruff

Absent.

Roberts

Absent—Excused.

Lemens Weinert
Oneal

Senator Burns offered the following amendment to the bill:

Amend Cotten substitute, page 13, Section 20, by adding a new section to be numbered 20a:

"Provided, further, that the tax provisions and other inhibitions provided in this Act shall not apply to the school or schools where the Federal Government has purchased twenty-five per cent or more of the land of the school district or districts."

BURNS,
REDDITT,
SHIVERS.

The amendment was lost by the following vote:

Yeas—10.

Burns Pace
Cotten Redditt
Hill Shivers
Holbrook Spears
Moore Westerfeld

Nays—16.

Aikin Head
Beck Isbell
Brownlee Neal
Collie Nelson

Newton	Sulak
Rawlings	Van Zandt
Small	Winfield
Stone	Woodruff

Absent.

Davis	Roberts
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Absent—Excused.

Lemens	Weinert
Oneal	

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 185, as amended, page 7, Section 9, by striking out all of the provisions of said section after the word "year," in line 10, and insert in lieu thereof the following: "A school tax of not less than \$1.00 on the One Hundred Dollars (\$100.00) of property valuation in the entire district, including the tax for maintenance and for creating interest and sinking fund for bonds."

(Senator Rawlings in the Chair.)

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18.

Collie	Roberts
Davis	Shivers
Holbrook	Small
Moore	Spears
Neal	Stone
Nelson	Van Zandt
Oneal	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Nays—11.

Aikin	Hill
Beck	Isbell
Brownlee	Newton
Burns	Pace
Cotten	Sulak
Head	

Absent—Excused.

Lemens	Weinert
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Committee Substitute for Senate Bill No. 185 on Engrossment.

Senator Holbrook moved to reconsider the vote by which the bill was passed to engrossment.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—18.

Collie	Roberts
Davis	Shivers
Holbrook	Small
Moore	Spears
Neal	Stone
Nelson	Sulak
Oneal	Van Zandt
Rawlings	Westerfeld
Redditt	Woodruff

Nays—9.

Aikin	Isbell
Beck	Newton
Burns	Pace
Cotten	Winfield
Hill	

Absent.

Brownlee	Head
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Absent—Excused.

Lemens	Weinert
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Question—Shall the bill be passed to engrossment?

Senator Holbrook moved to reconsider the vote by which the main question on the passage of the bill to engrossment was ordered.

The motion to reconsider prevailed.

Senator Collie offered the following amendment to the bill:

Amend C. S. for S. B. No. 185, page 7, Section 9, by striking out all of the provisions of said section after the word "year," in line 10, and insert in lieu thereof the following: "A school tax of not less than \$100 on the One Hundred Dollars (\$100.00) of property valuation in the entire district, including the tax for maintenance and for creating interest and sinking fund for bonds."

Senator Aikin raised a point of order on consideration of the amendment on the ground that the same amendment, offered to the bill on its final passage, had been rejected by the Senate.

The Presiding Officer (Senator Rawlings) overruled the point of order, and stated that the amendment is now in order due to the bill being at a different stage from that at which the amendment was defeated.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—20.

Brownlee	Redditt
Collie	Roberts
Davis	Shivers
Head	Small
Holbrook	Spears
Moore	Stone
Neal	Van Zandt
Nelson	Westerfeld
Oneal	Winfield
Rawlings	Woodruff

Nays—9.

Aikin	Isbell
Beck	Newton
Burns	Pace
Cotten	Sulak
Hill	

Absent—Excused.

Lemens	Weinert
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Senator Nelson offered the following amendment to the bill:

Amend Cotten substitute S. B. No. 185, by adding a new section to be known as Section 4A as follows:

In case of conditions resulting from public calamity in any section of the State such as serious floods, prolonged droughts, or extraordinary border disturbances, or influx of population to any particular part of the State, resulting after the scholastic census has been taken, and prior to December 31st of any year, the State Superintendent shall, upon a petition of the school authorities of said part of Texas so affected, order the Division of School Census to make a thorough investigation of said conditions. Said reports shall be filed with the State Superintendent and on his recommendation, if he deems advisable, may supplement the scholastic apportionment of enumerated children to this community to the extent of one-half of the scholastic increase caused by said condition provided that no apportionment shall be made on any child not a bona fide scholastic in the State of Texas on April first; and provided, further, that said number of supplemented enumerated scholastics shall not exceed one-half of the estimated increase in population. All arrangements and all details relative to emergency transfer shall have been completed by December twentieth of any year. No emergency transfers shall be permitted by any division or agency of the State government after that date.

(President in the Chair.)

Senator Burns offered the following amendment to the amendment:

Amend the amendment by adding:

"Provided the inhibition provided for in this act shall not apply to school districts where the Federal Government has purchased 35 per cent or more of the land in said districts."

Senator Nelson raised the point of order that the amendment to the amendment is not germane.

The President sustained the point of order.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend Cotten substitute to S. B. No. 185, page 5, Section 4, by adding after the word "district" and before the word "and" in line 6, the following:

"And districts containing 125 square miles of territory or more and maintaining one or more rural schools teaching not more than seven grades and maintaining a central high school for the entire district; providing the provisions of this Section shall not apply to any school district containing 48 square miles of territory or more, or any district of a length of not less than nine miles, for the purpose of receiving transportation aid."

Yeas and nays were demanded and the amendment was adopted by the following vote:

Yeas—18.

Aikin	Oneal
Brownlee	Rawlings
Collie	Redditt
Davis	Roberts
Hill	Shivers
Holbrook	Small
Neal	Spears
Nelson	Winfield
Newton	Woodruff

Nays—8.

Beck	Moore
Burns	Pace
Cotten	Stone
Isbell	Van Zandt

Absent.

Sulak	Westerfeld
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Absent—Excused.

Head
Lemens

Weinert

Senator Nelson offered the following amendment to the bill:

Amend Cotten substitute to S. B. No. 185 as follows:

Provided that all school buses purchased in whole or in part with money derived from the Transportation Rural Aid fund for any school district in this State shall be purchased by the State Board of Control on competitive bids.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend Cotten substitute to S. B. No. 185, Section 13, Page 9, by adding between the words "school" and "pupils" in line 20 the following: "and grade school"; and by adding after the word "school" in line 22 the following: "or grade school"; and by adding after the word "school" on line 12 on Page 10 the following: "unless such pupil has been duly transferred from his home district to an adjoining district and lives in closer proximity to the school to which he has been transferred than to the school in his home district."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15.

Brownlee	Rawlings
Burns	Roberts
Collie	Shivers
Davis	Small
Holbrook	Spears
Neal	Stone
Nelson	Winfield
Oneal	

Nays—11.

Aikin	Redditt
Beck	Sulak
Cotten	Van Zandt
Isbell	Westerfeld
Moore	Woodruff
Pace	

Present—Not Voting.

Hill	Newton
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Absent—Excused.

Head	Weinert
Lemens	

Senator Head offered the following amendment to the bill:

Amendment the Cotten substitute as substituted:

Line 26, Page 9, a new sentence shall be inserted after the word "established."

Transportation shall be granted only for the purpose of transporting high school students to the nearest accredited high school and for transporting grade school students to the nearest school where the grade of the student is available.

The amendment was adopted.

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 185, page 8, section 10, line 1, by striking out the remainder of said sentence after the words "heretofore provided" and including the word "property" in line 4.

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. 185 by adding a new section as follows:

"Each county of over 290,000 population according to the last or any future Federal Census shall have \$45,000 from this fund paid into its county equalization fund each year."

MOORE,
SPEARS.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—12.

Burns	Small
Moore	Spears
Neal	Stone
Newton	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Nays—13.

Aikin	Isbell
Beck	Nelson
Collie	Oneal
Cotten	Pace
Davis	Roberts
Hill	Van Zandt
Holbrook	

Absent.

Brownlee	Sulak
Shivers	

Absent—Excused.

Head Weinert
Lemens

(Senator Rawlings in the chair.)

Senator Roberts moved the previous question on the passage of the bill to engrossment and on all amendments ready to be submitted (which shall be transmitted immediately to the secretary's desk), and the main question was ordered.

Question then first recurred on the following amendment submitted by Senator Burns:

Amend C. S. for S. B. No. 185 by adding a new section to be numbered—

"Provided the provisions and inhibitions contained in this bill shall not apply to United States Resettlement Areas in Texas."

The amendment was lost.

Question next recurred on the following amendment by Senator Aikin:

Amend Cotten substitute by adding the following to Collie amendment:

"Provided that districts levying at least 75-cent tax, inclusive of the tax for interest and sinking fund for bonds for the year 1937, shall be eligible for aid under this Act."

(President in the chair.)

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—11.

Aikin	Isbell
Beck	Newton
Brownlee	Pace
Burns	Sulak
Cotten	Woodruff
Hill	

Nays—15.

Collie	Redditt
Davis	Roberts
Holbrook	Small
Moore	Spears
Neal	Van Zandt
Nelson	Westerfeld
Oneal	Winfield
Rawlings	

Absent.

Shivers	Stone
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Absent—Excused.

Head Weinert
Lemens

Question next recurred on the following amendment by Senator Cotten:

Amend Cotten's substitute to S. B. No. 185 by adding a section thereto as follows:

"It is specifically provided herein that the State Board of Education, State Superintendent of Public Instruction, or any agency charged with the responsibility of administering the funds hereby appropriated shall not pledge the State nor incur obligations against said funds in any amount in any one year in excess of the amount herein appropriated, and it is the sense of this Legislature that the amounts herein appropriated shall cover in full all amounts to be spent for the purposes contemplated by this Act for the period covered by this Act. Whoever violates this provision of this Section shall be deemed guilty of a misdemeanor, involving official misconduct, and upon conviction thereof, shall be fined in a sum not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and shall be subject to removal from office.

"It shall be unlawful for any county school superintendent or the superintendent of any independent or common school district, school, teacher, county trustee, district trustee or any other person to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and expenses of any person or persons to maintain any lobby for any purpose. Violation of this provision shall forfeit the right of the county or any school district in the county to participate in the funds herein appropriated.

"It is hereby specifically provided that any person or persons, authorized to administer the funds appropriated in this Act, who use any part of said funds, or permit them to be used directly or indirectly for political purposes or to maintain a lobby for any purpose shall be deemed guilty of a misdemeanor involving official misconduct and upon conviction thereof shall be fined in a sum

of not less than Five Hundred (\$500.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars and removed from office."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—23.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	

Nays—4.

Aikin	Stone
Collie	Woodruff

Absent.

Sulak

Absent—Excused.

Head	Weinert
Lemens	

C. S. for S. B. No. 185 then was passed to engrossment.

Committee Substitute for Senate Bill No. 185 on Final Passage.

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 185 be placed on its final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Head	Weinert
Lemens	

The President then laid the bill before the Senate on its final passage.

On motion of Senator Collie and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill, as amended.

The bill then was passed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Head	Weinert
Lemens	

Report of Conference Committee on House Bill No. 132.

Senator Oneal submitted the following report of the Conference Committee on H. B. No. 132:

Committee Room,

Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate;

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference between the House and Senate on H. B. No. 132, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that H. B. No. 132 be adopted in form hereto attached.

Very respectfully,

ONEAL,
DAVIS,
ROBERTS,
AIKIN,

On the part of the Senate.

TENNYSON,
SMITH of Matagorda,
BELL,
HARRIS of Archer,
LANGDON,

On the part of the House.

By Tennyson, Harris H. B. No. 132.
of Archer.

A BILL
To Be Entitled

An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Statutes of Texas, 1925, as amended by Chapter 207, Page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, so as to allow cities and towns to extend the lines of their water, gas, sewer, or electric light and power systems outside of the limits of such cities or towns and to sell the privilege or services thereof to persons or corporations, or to permit them to connect therewith, provided that no electric lines shall be extended into the corporate limits of another incorporated town or city, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, Page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, be amended so as to hereafter read as follows:

"Sec. 3. To extend the lines of such system outside of the limits of such towns or cities and to sell water, sewer, gas, and electric light and power privileges or service to any person or corporation outside of the limits of such towns or cities, or permit them to connect therewith under contract with such town or city under such terms and conditions as may appear to be for the best interest of such town or city; provided that no electric lines shall, for the purposes stated in this subsection, be extended into the corporate limits of another incorporated town or city.

Sec. 2. The fact that towns and cities are now without specific authority to extend the lines of their electric light and power and gas system outside the limits of such towns and cities, due to an oversight in the passage of Senate Bill No. 365, being Chapter 207, Page 496, the Acts

of the Regular Session of the Forty-fourth Legislature, and due to the further fact that certain cities are now desirous of cooperating with the Rural Electrification Administration of the Federal Government in serving rural areas with electrical energy, create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senate Bill No. 84 With House
Amendments.

Senator Shivers called up S. B. No. 84 from the President's table for consideration of the House amendment to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Shivers moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—22.

Beck	Rawlings
Burns	Redditt
Collie	Roberts
Davis	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Westerfeld
Newton	Winfield

Nays—6.

Aikin	Oneal
Brownlee	Pace
Cotten	Woodruff

Absent—Excused.

Head	Weinert
Lemens	

House Bill No. 5 on Second
Reading.

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 5, A bill to be entitled "An Act defining the term 'open

saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

The bill was read second time.

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5, Art. 1 by (First) changing Sec. 3 (a) under Section 1 of H. B. No. 5 to read as follows:

"Sec. 3 (a). The term 'open saloon' as used in this Act means any place where any alcoholic beverage whatever, manufactured in whole or in part by means of the process of distillation, or any liquor composed or compounded in part of distilled spirits, other than by the holder of a dispenser's permit under all terms and conditions of and for such permits and the holders thereof, is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or any place where any such liquors are sold or offered for sale for human consumption on the premises where sold other than by the holder of a dispenser's permit under all terms and conditions of and for such permits and the holders thereof."

And by (Second) adding to Section 16 of H. B. No. 5 under "Sec. 15" another subdivision reading as follows:

"(19). The Board may issue to persons, firms and corporations eligible as hereinafter set out, dispensers' permits, which shall authorize the holder thereof to sell and dispense alcoholic liquor embraced within Types A, B and C as defined by this Act subject to the conditions set out in this section, and further subject to all other applicable provisions of this Act.

"(a). Dispensers' permits may be issued only to persons, firms, corporations, partnerships or associations operating bona fide hotels, dining rooms, restaurants and railway dining or club cars where such places are equipped to serve, and do regularly and customarily serve meals.

"(b). Dispensers' permits shall

not be issued in any area where the sale of Type "C" liquor is not legal.

"(c). No dispensers' permit shall be issued to any person, firm, corporation, partnership or association unless and until such bona fide hotel, dining room or restaurant has been in business and operating as such for at least one calendar year prior to the issuance of such permit; but this prerequisite as to time of operation shall not apply to dining cars, nor to hotels containing twenty or more rooms equipped for and being held out for rental to the public.

"(d). No person, firm, corporation, partnership, or association whose gross sales of food shall not exceed, in dollars and cents, in any calendar month, his gross sales of liquor, shall hold a dispensers' permit.

"(e). It shall be the duty of holders of dispensers' permits to make monthly reports of such sales, as to both food and liquor, under oath, to the Board on such form or forms, and in accordance with rules and regulations as may be prescribed by the Board. Such report shall be filed on or before the 25th day of each month for the preceding calendar month. If at any time sales of liquor by the holder of a dispensers' permit shall exceed in dollars and cents the sales of food for a calendar month, such permit must be cancelled.

"Any person who shall willfully and falsely misrepresent the facts concerning such sales, or make a willfully false report, shall be guilty of perjury and, upon conviction, shall be punished by confinement in the penitentiary for any term of years not less than one nor more than five.

"(f). It shall be unlawful for the holder of a dispensers' permit to sell any liquor of a type or alcoholic content now or hereafter prohibited in the area in which his establishment is located. No holder of a dispensers' permit may sell alcoholic liquor having an alcoholic content in excess of 25 per cent by weight, for consumption on his premises.

"(g). The annual fees for dispensers' permits shall be as follows:

"(h). The fees for dispensers' permit for railway dining or club cars shall be Twenty-five (\$25.00)

Dollars and a separate fee shall be charged for each car.

"(i). This section shall not prohibit the issuance of permits providing only for the sale of beer or beer and wine."

And by (third) adding to H. B. No. 5 a new section under Art. 1 thereof and reading as follows:

"Section 44 of Art. 1 of Chapter 465 Acts of the Third Called Session of the Forty-fourth Legislature is hereby amended so as to read hereafter as follows:

"Sec. 44. The Commissioners' Court shall have the power upon its own motion or upon petition as herein provided to order local option elections for the purpose of determining whether liquor of the various types and alcoholic contents herein provided shall be legalized or prohibited.

"Pursuant to Section 20 of Article 16 of the Constitution of Texas, the Legislature of Texas does hereby provide for local option on the sale of liquors of the following types and alcoholic content, to wit:

"Type 'A'—Vinous or malt liquors containing not more than 4% alcohol by weight.

"Type 'B'—Vinous or malt liquors containing not more than 14% alcohol by weight.

"Type 'C'—Any combination or dilution or any combination and dilution of alcoholic liquor or liquors provided such combination or dilution or combination and dilution contains not more than 30% alcohol by weight.

"Type 'D'—All alcoholic liquors containing more than 14% alcohol by weight and not included in Type 'C'.

"In any area where a petition requests or the Commissioners' court desires to submit the question of legalizing liquors or of increasing the alcoholic content of liquors authorized to be sold therein, one or more of the following issues may be submitted:

"(a). For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of four percent (4%) by weight' and 'Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of four percent (4%) by weight'

"(b). 'For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of fourteen per cent (14%) by weight,' and 'Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of fourteen percent (14%) by weight.'

"(c). 'For legalizing the sale of vinous, malt and other liquors that contain alcohol in excess of 14% by weight' and 'Against legalizing the sale of vinous, malt and other liquors that contain alcohol in excess of 14% by weight.'

"(d). 'For legalizing the sale of mixed drinks containing not more than 30% alcohol by weight, for consumption on premises where sold,' and 'Against legalizing the sale of mixed drinks containing not more than 30% alcohol by weight, for consumption on the premises where sold.'

"(e). 'For legalizing the sale of all liquors' and 'Against legalizing the sale of all liquors.'

"In any area where it is desired to prohibit certain liquor or to decrease the alcoholic content of liquors authorized to be sold therein the following issues may be submitted:

"(a). 'For prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 4% by weight' and 'Against prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 4% by weight.'

"(b). 'For prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 14% by weight,' and 'Against prohibiting the sale of vinous and malt liquors that contain alcohol in excess of 14% by weight.'

"(c). 'For prohibiting the sale of mixed drinks containing not more than 30% alcohol by weight for consumption on the premises where sold' and 'Against prohibiting the sale of mixed drinks containing not more than 30% alcohol by weight for consumption on the premises where sold.'

"(d). 'For prohibiting the sale of all liquors' and 'Against prohibiting the sale of all liquors.'

"The Commissioners' Court shall have power to submit any one or more issues upon the same ballot at the same election.

"In any area where it shall be unlawful now or hereafter to sell Type 'B' or Type 'D' liquor, it shall also

be unlawful to sell Type 'C' liquor. The legalization of Type 'B' or Type 'D' liquor, or both, shall not of itself legalize Type 'C' liquor. In areas in which it is now or may hereafter be unlawful to sell Type 'C' liquor, such may be legalized by local option election on that specific issue.

"If a majority of the votes cast be in favor of prohibition of Type 'C' liquor, such shall not operate of itself as a restriction upon the sale of other liquors. The legalization of all liquors shall not serve to legalize Type 'C' but such must be done by vote when the specific issue of the legalization of Type 'C' is submitted.

"From the effective date of this Act, Type 'C' liquor may be legally sold by the holders of dispensers' permits, and subject to all conditions of this Act, in any county, city or political subdivision where the sale of all liquor is now authorized, until the sale of Type 'C' liquor may be prohibited by local option election in such county, city, or subdivision.

"The failure of an election to prohibit certain liquors shall not serve to legalize other liquors not then legal; nor shall the failure of an election to legalize certain liquors serve to prohibit other liquors then legal."

And by (fourth), amending Section 15 of Art. 2 under Subdivision B of Section 16 of H. B. 5 by adding the words:

"a dispenser's permit or" immediately after the word "obtaining."

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5, by (First) changing lines 5 to 11 on page 2 of the printed bill to read as follows:

"Sec. 3 (a). The term 'open saloon' as used in this Act, means any place where any alcoholic beverage whatever, manufactured in whole or in part by means of the process of distillation, or any liquor composed or compounded in part of distilled spirits, other than by the holder of a dispenser's permit under all terms and conditions of and for such permits and holders thereof, is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or any place where any such liquors are sold or offered for sale for human consumption on the premises where sold other

than by the holder of a dispenser's permit under all terms and conditions of and for such permits and the holders thereof."

And by (Second) adding to Section 16 of H. B. No. 5 on page 15 between lines 53 and 54 of the printed bill, another subdivision reading as follows:

"(19). The Board may issue to persons, firms and corporations eligible as hereinafter set out, dispensers' permits, which shall authorize the holder thereof to sell and dispense alcoholic liquor embraced within Types A, B and C as defined by this Act subject to the conditions set out in this section, and further subject to all other applicable provisions of this Act.

"(a). Dispensers' permits may be issued only to persons, firms, corporations, partnerships or associations operating bona fide hotels, dining rooms, restaurants and railway dining or club cars where such places are equipped to serve, and do regularly and customarily serve meals.

"(b). Dispensers' permits shall not be issued in any area where the sale of Type 'C' liquor is not legal.

"(c). No dispenser's permit shall be issued to any person, firm, corporation, partnership or association unless and until such bona fide hotel dining room or restaurant has been in business and operating as such for at least one calendar year prior to the issuance of such permit; but this prerequisite as to time of operation shall not apply to dining cars, nor to hotels containing twenty or more rooms equipped for and being held out for rental to the public.

"(d). No person, firm, corporation, partnership, or association whose gross sales of food shall not exceed, in dollars and cents, in any calendar month, his gross sales of liquor, shall hold a dispenser's permit.

"(e). It shall be the duty of holders of dispensers' permits to make monthly reports of such sales, as to both food and liquor, under oath, to the Board on such form or forms, and in accordance with rules and regulations as may be prescribed by the Board. Such report shall be filed on or before the 25th day of each month for the preceding calendar month. If at any time sales of liquor by the holder of a dispenser's permit shall exceed in dollars and

cents the sales of food for a calendar month, such permit must be cancelled.

"Any person who shall wilfully and falsely misrepresent the facts concerning such sales, or make a wilfully false report, shall be guilty of perjury and, upon conviction, shall be punished by confinement in the penitentiary for any term of years not less than one nor more than five.

"(f). It shall be unlawful for the holder of a dispenser's permit to sell any liquor of a type or alcoholic content now or hereafter prohibited in the area in which his establishment is located. No holder of a dispenser's permit may sell alcoholic liquor having an alcoholic content in excess of 25 per cent by weight, for consumption on his premises.

"(g). The annual fees for dispenser's permits shall be twice the annual fee for a package store in such area.

"(h). The fees for dispenser's permit for railway dining or club cars shall be Twenty-five (\$25.00) Dollars and a separate fee shall be charged for each car.

"(i). This section shall not prohibit the issuance of permits providing only for the sale of beer or beer and wine."

And by (Third) adding to H. B. No. 5 a new section appropriately numbered and reading as follows:

"Section 44 of Art. 1 of Chapter 465 Acts of the Third Called Session of the Forty-fourth Legislature is hereby amended so as to read hereafter as follows:

"Sec. 44. The Commissioners' Court shall have the power upon its own motion or upon petition as herein provided to order local option elections for the purpose of determining whether liquor of the various types and alcoholic contents herein provided shall be legalized or prohibited.

"Pursuant to Section 20 of Article 16 of the Constitution of Texas, the Legislature of Texas does hereby provide for local option on the sale of liquors of the following types and alcoholic content, to wit:

"Type 'A'—Vinous or malt liquors containing not more than 4% alcohol by weight.

"Type 'B'—Vinous or malt liquors containing not more than 14% alcohol by weight.

"Type 'C'—Any combination or dilution or any combination and dilution of alcoholic liquor or liquors provided such combination or dilution or combination and dilution contains not more than 30% alcohol by weight.

"Type 'D'—All alcoholic liquors containing more than 14% alcohol by weight and not included in Type 'C.'

"In any area where a petition requests or the Commissioners' Court desires to submit the question of legalizing liquors or of increasing the alcoholic content of liquors authorized to be sold therein, one or more of the following issues may be submitted:

"(a). 'For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of four percent (4%) by weight' and 'Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of four percent (4%) by weight.'

"(b). 'For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of fourteen percent (14%) by weight,' and 'Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of fourteen percent (14%) by weight.'

"(c). 'For legalizing the sale of vinous, malt and other liquors that contain alcohol in excess of 14% by weight' and 'Against legalizing the sale of vinous, malt and other liquors that contain alcohol in excess of 14% by weight.'

"(d). 'For legalizing the sale of mixed drinks containing not more than 30% alcohol by weight, for consumption on the premises where sold,' and 'Against legalizing the sale of mixed drinks containing not more than 30% alcohol by weight, for consumption on the premises where sold.'

"(e). 'For legalizing the sale of all liquors' and 'Against legalizing the sale of all liquors.'

"In any area where it is desired to prohibit certain liquor or to decrease the alcoholic content of liquors authorized to be sold therein the following issues may be submitted:

"(a). 'For prohibiting the sale of vinous and malt liquors that contain alcohol not in excess of 4% by weight' and 'Against prohibiting the

sale of vinous and malt liquors that contain alcohol not in excess of 4% by weight.'

"(b). 'For prohibiting the sale of vinous and malt liquors that contain alcohol not in excess of 14% by weight,' and 'Against prohibiting the sale of vinous and malt liquors that contain alcohol not in excess of 14% by weight.'

"(c). 'For prohibiting the sale of mixed drinks containing not more than 30% alcohol by weight for consumption on the premises where sold,' and 'Against prohibiting the sale of mixed drinks containing not more than 30% alcohol by weight for consumption on the premises where sold.'

"(d). 'For prohibiting the sale of all liquors' and 'Against prohibiting the sale of all liquors.'

"The Commissioners' Court shall have power to submit any one or more issues upon the same ballot at the same election.

"In any area where it shall be unlawful now or hereafter to sell Type 'B' or Type 'D' liquor, it shall also be unlawful to sell Type 'C' liquor. The legalization of Type 'B' or Type 'D' liquor, or both, shall not of itself legalize Type 'C' liquor. In areas in which it is now or may hereafter be unlawful to sell Type 'C' liquor, such may be legalized by local option election on that specific issue.

"If a majority of the votes cast be in favor of prohibition Type 'C' liquor, such shall not operate of itself as a restriction upon the sale of other liquors. The legalization of all liquors shall not serve to legalize Type 'C' but such must be done by vote when the specific issue of the legalization of Type 'C' is submitted.

"From the effective date of this Act, Type 'C' liquor may be legally sold by the holders of dispensers' permits, and subject to all conditions of this Act, in any county, city, or political subdivision where the sale of all liquor is authorized, until the sale of Type 'C' liquor may be prohibited by local option election in such county, city, or subdivision, provided, however, that no dispenser's permit shall be issued until sixty days after the effective date of this Act, and shall not be issued then in any area where there is pending a petition for a local option election or where a local option election has

been ordered, to prohibit the sale of Type 'C' liquors."

"The failure of an election to prohibit certain liquors shall not serve to legalize other liquors not then legal; nor shall the failure of an election to legalize certain liquors serve to prohibit other liquors then legal."

And by (Fourth), by adding in line 8, page 37, of the printed bill the following:

"a dispenser's permit or" immediately after the word "obtaining."

Question—Shall the substitute be adopted?

(Senator Cotten in the Chair.)

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:
H. C. R. No. 132, recalling H. B. No. 982 from the Governor's Office for correction.

H. C. R. No. 133, authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 982, (as enrolled).

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on S. B. No. 144 by a vote of 126 yeas, 1 nay.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 130, Authorizing the Highway Department to lend certain road equipment to Henderson County.

The House refused to concur in Senate amendments to H. B. No. 1169, and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees are appointed on the part of the House:

Messrs. Howard, Heflin, Smith of Tarrant, Johnson of Tarrant, Carsow.

The House has adopted the Conference Committee report on H. B. No. 352 by a vote of 121 yeas, 3 nays.

The House has adopted the Conference Committee report on H. B. No. 132 by a vote of 112 yeas, 0 nays.

The House has passed the following bill:

H. B. No. 469, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the state course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high school subjects provided no existing high school subject is omitted by such a combination; providing that the State Board of Education may also, if deemed necessary, adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is thereby omitted through such a combination, and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 16 by a vote of 100 yeas, 10 nays.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 491. The following conferees are appointed on the part of the House:

Messrs. Stinson, Harris of Dallas, McCracken, Felty, Vale.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolutions Nos. 132, 133 and 124.

The Presiding Officer laid before the Senate the following resolution, received from the House today:

H. C. R. No. 132, Recalling H. B. No. 982 from the Governor for correction.

The resolution was read.

On motion of Senator Shivers and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 133, Authorizing certain corrections in enrolled copy of H. B. No. 982.

On motion of Senator Shivers and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 124, Relating to provisions of H. B. No. 291.

The Presiding Officer laid the resolution before the Senate, and it was adopted.

House Bill No. 5 on Passage to Third Reading.

The Senate resumed consideration of H. B. No. 5, on its passage to third reading, with (committee) amendment and substitute by Senator Moore for the (committee) amendment pending.

Senator Woodruff moved to table

the substitute and the (committee) amendment.

(President in the Chair.)

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15.

Aikin	Isbell
Beck	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Redditt
Head	Woodruff
Hill	

Nays—12.

Brownlee	Spears
Holbrook	Stone
Moore	Sulak
Neal	Van Zandt
Rawlings	Westerfeld
Roberts	Winfield

Paired.

Senator Shivers (present) who would vote "nay," with Senator Lemens (absent), who would vote "yea."

Senator Small (present), who would vote "yea," with Senator Wehnert (absent), who would vote "nay."

Senate Bill No. 164 With House Amendments.

Senator Collie called up S. B. No. 164 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Collie moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Collie, Hill, Shivers, Cotten and Spears.

Bills Signed.

The President signed in the presence of the Senate, after giving due

notice thereof, the following enrolled bills:

S. B. No. 150, "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the public treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of such a copy of the order of the court under seal of the court, and declaring an emergency."

S. B. No. 103, "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, 1925, and providing that the court may set several capital cases on the same day; providing that only one venire shall be drawn for all capital cases set for the same day; providing each defendant shall be furnished a list of the venire for the day his case is set; providing that court may in his discretion excuse the remainder of the venire, and declaring an emergency."

S. B. No. 207, "An Act defining the phrase, 'Served by the sheriff to appear and report for jury service,' as used in Article 2101 of Chapter 7, Title 42, R. S. 1925, so as to authorize the judge drawing the jury to direct that said service may also be made by sending each juror a letter by United States registered mail, notifying him of his jury service; and declaring an emergency."

S. B. No. 77, "An Act to amend Section 1 to 14, inclusive, of Chapter 253, Acts of the Fortieth Legislature, page 373, relative to insurance of motor vehicles; adding Sections 10-a and 11-a; and declaring an emergency."

S. B. No. 484, "An Act amending Article 6067, Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 504, "An Act creating a Board for the lease of land composing the permanent encampment for the Thirty-sixth Division, Texas National Guard, known as Camp Hulen, situated at or near Palacios in Matagorda County, Texas, and providing for the lease or sale of oil and gas and sulphur and other minerals therein and defining the duties and powers of said Board; prescribing

the mode and manner of leasing and selling oil, gas and sulphur in said lands, and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expenses of enforcing this Act; and declaring an emergency."

S. B. No. 349, "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer, and declaring an emergency."

S. B. No. 469, "An Act creating a Special Road Law for Motley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of January 11, 1937, by issuance of funding bonds, and setting forth the method of operation; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

S. B. No. 309, "An Act amending S. B. No. 355, Chapter 338, Regular Session, Acts of the Forty-fourth Legislature, creating the Central Colorado River Authority, vesting the powers of the district in a board of nine directors and prescribing the manner of their appointment and their duties; providing for the fiscal management of the district; providing for the construction of water and for soil conservation projects upon private property and limiting charges, liability and damages in connection therewith; limiting the Authority district to mortgage its properties, or to acquire property subject to mortgage or conditional sale, and providing for the pledging of the revenues of the district and limiting the sale of the properties of the district; providing for the donation and granting by the State of Texas to the district fifty (50%) per cent of the annual current State ad valorem taxes collected in Coleman County for a period of ten (10) years, beginning September 1, 1937; prescribing the manner and methods of collecting said taxes and the payment and disbursement thereof to

the district; prescribing necessary details to carry out the intent and purpose of this Act; making an appropriation of Six Thousand (\$6,000.00) Dollars to the district; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Reports of Standing Committees.

(By Unanimous Consent.)

Reports on H. B. Nos. 1148, 1127, 1138, 113, 1025, and 1177 and on H. C. R. No. 124 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

House Bill on First Reading.

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 469, to Committee on Educational Affairs.

House Concurrent Resolution No. 130 Referred.

H. C. R. No. 130, received from the House today, was laid before the Senate, read and referred to the Committee on State Affairs.

House Concurrent Resolution No. 82.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time, the following resolution:

H. C. R. No. 82, authorizing Miss Loulie Gurley to sue the State.

The President laid the resolution before the Senate and it was adopted.

Adjournment.

Senator Sulak moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16.

Brownlee	Roberts
Cotten	Shivers
Holbrook	Spears
Moore	Stone
Neal	Sulak
Pace	Van Zandt
Rawlings	Westerfeld
Redditt	Winfield

Nays—13.

Aikin	Isbell
Beck	Nelson
Burns	Newton
Collie	Oneal
Davis	Small
Head	Woodruff
Hill	

Absent—Excused.

Lemens	Weinert
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The Senate, accordingly, at 5:20 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,
Austin Texas, May 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 538, a bill, to be entitled "An Act to authorize the sale of additional portions of Harbor Island and other islands in Redfish Bay, Corpus Christi Bay, and Aransas Bay and certain lands under the shallow waters of Redfish Bay, Corpus Christi Bay, and Aransas Bay with certain restrictions; to authorize the extension by present owners or their successors and assigns of the original purchase from the State of Texas of such lands under the terms of an Act known as the Act of March 13, 1911, and being Chapter 45 of the Acts of the Thirty-second Legislature of Texas; providing exceptions; reserving the oil, gas and other minerals in and under said lands so additionally purchased together with the right of ingress and egress for the purpose of mining and producing the same; providing that the

sale and ownership of such land so additionally purchased shall be subject to all existing laws of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands, to whom was referred

H. B. No. 1175, a bill, to be entitled "An Act granting easement to the United States in certain lands; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendments and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1178, a bill, to be entitled "An Act to provide for the creation of corporations for the purpose of dealing in, buying and selling, preparing for market and preserving and canning fruits, fruit juices, and vegetables produced in the United States and enumerating the power and authority of such corporations; providing for the creation of corporations for the purpose of owning and operating airplanes and all other flying machines to be used in spraying orchards and crops with insecticides; providing for other rights and powers of such corporations, including the right to buy and sell insecticides and the right to acquire and maintain necessary starting and lighting grounds and fields and workshops; providing that this Act shall be cumulative of other Acts creating purposes for which corporations may be formed; and declaring an emergency."

Have had the same under consideration and I am instructed to report it

back with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. 855, a bill, to be entitled "An Act to conserve and promote the prosperity and welfare of the citrus industry of the State of Texas by promoting the sale of citrus fruits produced in the State of Texas through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such citrus fruits; to levy and impose an excise tax and to provide for the collection of same on all citrus fruits grown in the State of Texas; to create a citrus advertising fund; to define certain terms as used in this Act; to vest the administration of this Act in a Growers Industry Committee and a Shippers Marketing Committee under the supervision of the Commissioner of Agriculture of the State of Texas; to provide for the powers, duties, and authority of the Commissioner and Growers Industry Committee and the Shippers Marketing Committee under this Act; to provide for the appointment of said Growers Industry Committee and said Shippers Marketing Committee; and to provide penalties for the violation of this Act; providing for a saving clause, and providing for an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1148, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Special Laws, Page 1210, Chapter 45, etc."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Vice Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 1127, A bill to be entitled "An Act providing for the designation of the territorial limits of unincorporated cities, towns, and villages through which State Highways and public roads pass; and providing for the designation of school zones on State Highways, public roads, and streets and alleys, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1138, A bill to be entitled "An Act to amend Article 7333 of the 1925 Revised Civil Statutes of Texas, relating to the payment of fees and costs in tax suits, so as to provide for the payment, by the county, of costs of publication of citations, notices, and all matters required or authorized by law to be published, in tax suits; repealing all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Livestock and Stock Raising, to whom was referred

H. B. No. 1113, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep, and goats, rendered for taxation to determine

whether or not the qualified voters of such county desire to authorize the levy, assessment, and collection of an annual tax on cattle, sheep and goats, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL Chairman.

Committee Room,
Austin, Texas, May 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. C. R. No. 124, A resolution construing H. B. No. 291 passed by the Forty-fifth Legislature, Regular Session, 1937,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, May 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1025, A bill to be entitled "An Act providing relief of the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said School District in constructing, repairing, rehabilitating, and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said District for said property; providing none of funds to be used to purchase maps, charts, or library equipment; providing how money may be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1177, A bill to be entitled

"An Act to amend Article 879g of the Penal Code of Texas by excluding Polk County, Texas, from the terms thereof, with respect to closed season on hunting, killing, or taking wild bear; repealing all laws and parts of laws in conflict; providing the effective date of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Vice Chairman.

Committee Room,
Austin, Texas, May 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 1176, A bill to be entitled "An Act amending Subsection 27 of Article 199, Revised Civil Statutes of Texas 1925, as amended by Chapter 305, Acts of the Forty-second Legislature, Regular Session, by omitting the January Term of Court in Mills County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

We, your Committee on Engrossed Bills, have had Senate Bills Nos. 445, 508, 515, 53, 446, 31, 450, 513, 198, and 267 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 63 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had Senate Bills Nos. 467, 393, 466, 465, 494, 497, 480, 322, 352, 207, 349, 103, 486, 509, 305, 496, 505, 483, 500, 150, 309, 504, 484, 77, and 469, carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 66 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SEVENTY-SIXTH DAY.

(Friday, May 14, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following Senators were absent and excused:

Lemens	Weinert
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A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on H. C. R. No. 101, on Senate Bill No. 213, and on House Bills Nos. 1050, 1051, 557 and 1174 were submitted by the chairmen of

the several committees to which they were referred. (See appendix for reports in full.)

Leaves of Absence Granted.

Senator Weinert and Senator Lemens were granted leaves of absence for today, on account of important business, on motion of Senator Aikin.

House Bill No. 5 on Passage to Third Reading.

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5 by striking out of Section 1 of Article 1 under subdivision (c) the following:

"or to permit the same to be consumed on such licensed premises."

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5 by striking out in lines 19 and 20 on page 2 of the printed bill:

"or to permit the same to be consumed on such licensed premises."

Senator Small moved to table the substitute and the (committee) amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Aikin	Cotten
Beck	Davis
Burns	Head
Collie	Hill